

Remarks

The Examiner has imposed a further election of species in the present case. In the Response to Restriction Requirement submitted on July 5, 2005, Applicant had made a species election of “peanut allergens” for initiation of the Examiner’s search. Applicant’s understanding is that the Examiner has conducted her search thus far for Ara h 1, Ara h 2, and Ara h 3. Now, the Examiner is asking Applicant to elect a fourth peanut allergen from the group consisting of Ara h 4, Ara h 5, Ara h 6, and Ara h 7 to be added to peanut allergens Ara h 1, Ara h 2, and Ara h 3 for continuation of the Examiner’s search. With this understanding, Applicant elects Ara h 6.

Applicant’s understanding is (1) that this is a species election, (2) that claim 34 is a linking claim, and (3) that once the elected species (*i.e.*, Ara h 1, Ara h 2, Ara h 3, and Ara h 6) are found to be allowable, the species election requirement will be withdrawn and the linking claim will then be examined with respect to the remaining species. Applicant respectfully request that the Examiner confirm Applicant’s understanding in the next Office Communication.

If, at any time, it appears that a phone discussion would be helpful, the undersigned would greatly appreciate the opportunity to discuss such issues at the Examiner’s convenience. The undersigned can be contacted at (617) 248-4903.

Respectfully submitted,

/Katherine Nicole Clouse/

Katherine Nicole Clouse, PhD
Registration Number: 62,750

Choate, Hall & Stewart LLP
Two International Place
Boston, MA 02110
t (617) 248-4903
f (617) 502-5002
nclosure@choate.com
Date: June 24, 2010